

September 29, 1998

PUBLIC UTILITIES COMMISSION
Uniform Information
Disclosure and Informational
Filing Requirements (Chapter 306)

NOTICE OF RULEMAKING

WELCH, Chairman; NUGENT, Commissioner

I. INTRODUCTION

In this Notice, we initiate a rulemaking to establish uniform customer information disclosure requirements applicable to competitive electricity providers. Specifically, the proposed rule requires competitive providers to provide customers with a disclosure label containing information on price, resource mix, and emissions in a uniform format. The purpose of these requirements is to promote the ability of customers to choose among providers based on accurate and consistent information. The proposed rule also contains requirements for competitive providers to file with the Commission terms and conditions that are generally available to Maine consumers.

II. STATUTORY PROVISIONS

During its 1997 session, the Legislature enacted "An Act to Restructure the State's Electric Industry," P.L. 1997, ch. 316 (Act).¹ The Act deregulates electric generation services and allows for retail competition beginning on March 1, 2000. At that time, Maine's electricity consumers will be able to choose generation providers from a competitive market. In enacting this legislation, the Legislature recognized the importance of the availability of accurate information to enhance the ability of consumers to effectively make choices in a competitive market; the availability of such information is generally considered necessary for the operation of an efficient competitive market.

Accordingly, the Legislature directed the Commission to establish information disclosure filing requirements and standards for publishing and disseminating information that enhance consumers' ability to effectively make choices in a competitive electricity market. 35-A M.R.S.A. § 3203(3). Additionally, section 4 of the Act requires the Commission, in

¹The Act is codified as Chapter 32 of Title 35-A (35-A M.R.S.A. §§ 3201-3207).

adopting rules under section 3203(3), to consider a list of specified information filing requirements. Section 3203(3) also directs the Commission to adopt rules requiring competitive providers to file generally available rates, terms and conditions, and specifically permits a requirement for the filing of individual service contracts.

Pursuant to 35-A M.R.S.A. § 3203(3), the rules established in this proceeding are major substantive rules and are thus governed by 5 M.R.S.A. §§ 8071-8074. The Commission must adopt these rules "provisionally." The Legislature will review the provisional rules and authorize their final adoption either by approving them, with or without change, or by taking no action. 5 M.R.S.A. § 8072.

III. REGIONAL DISCLOSURE EFFORTS

In the spring of 1997, the National Council on Competition in the Electric Industry² initiated an effort to develop a system of uniform consumer information disclosure for the retail sales of electricity that might be implemented throughout New England. The public utility commissions in New England supported the effort. The Regulatory Assistance Project (RAP) was designated manager and primary advisor of the National Council's New England project. Between April and September of 1997, a broad range of stakeholders attended a series of public meetings, whose purpose was to identify issues and analyze options related to uniform customer information disclosure. The process culminated with a Report and Recommendations to the New England Utility Regulatory Commissions, issued by RAP on October 6, 1997.³ The Report contained detailed recommendations as to a uniform disclosure system for New England, as well as rules to implement the system. To achieve uniform and enforceable disclosure requirements in the region, the Report recommended that each state initiate a rulemaking proceeding based on a uniform model rule.

²The National Council is a joint project of the National Conference of State Legislatures and the National Association of Regulatory Utility Commissioners; members of the National Council include the Environmental Protection Agency, the Department of Energy, and the Federal Energy Regulatory Commission. The National Council's disclosure project is aided by a federal interagency task force that includes the Food and Drug Administration and the Federal Trade Commission.

³The October 6, 1997 Report is available on the RAP webpage, <http://www.rapmaine.org>. The Commission will provide a copy of the Report at the request of any interested person.

The New England Conference of Public Utility Commissioners (NECPUC) assigned its Staff Energy Policy Committee⁴ to review the rules contained in the RAP Report and develop a NECPUC-sponsored model rule that could be considered in each of the states. The Staff Committee developed a model rule along with a sample label that NECPUC has sanctioned as a starting point for consideration of disclosure policies in each state. The Massachusetts Department of Telecommunications and Energy has adopted a disclosure rule that is similar in most respects to the NECPUC model rule.

IV. INQUIRY PROCEEDING

On April 7, 1998, we initiated an inquiry in Docket No. 98-234 into regional uniform information disclosure requirements. We invited comment on the conceptual approach contained in the NECPUC model rule, its specific provisions, and whether the general approach is consistent with Maine statutory and policy goals. We received comments from the Public Advocate on behalf of members of the Maine Electric Consumers Coalition,⁵ Central Maine Power Company, Bangor Hydro-Electric Company, Independent Energy Producers of Maine, the Grand Council of Crees, the Energy Marketers Coalition, and Ellen E. Parr Doering. Although there were some disagreement about the desirability of specific provisions and a variety of proposals to add information to the label, most commenters supported or did not oppose the concept of uniform requirements for information disclosure.

V. GENERAL CONSIDERATIONS

The regional efforts to develop uniform information disclosure requirements were stimulated, in a large part, by a substantial degree of customer confusion observed in retail access pilot programs in various states. These pilot programs revealed a large amount of customer confusion over price offerings and environmental claims. For example, providers made a variety of claims that their electricity came from "environmentally friendly" or "green" sources. In many cases, such claims proved to be inaccurate or difficult to substantiate. The lack of an understandable system for information disclosure

⁴This Staff Committee is made up of staff members from each of the six New England utility commissions.

⁵The Public Advocate indicated that representatives of the Independent Energy Producers of Maine, Renewable Energy Assistance Project, the Coalition for Sensible Energy, the Industrial Energy Consumer Group, Western Maine Community Action Program, Penquis Community Action Program, and the Maine Council for Senior Citizens participated in discussions that led to the comments.

made it extremely difficult for consumers to compare offerings and claims among providers in making the type of informed choices that are necessary for an effective competitive market.

As a consequence of this experience, regional regulators and various stakeholders sought to develop disclosure requirements in a uniform format to promote rational customer choice in the competitive market, and a tracking system to ensure accuracy and verification of the disclosed information. As such, the uniform label and tracking mechanisms are the major features of the NECPUC model rule.

The Maine Commission has supported these regional efforts from the outset. We continue to view accurate and consistent information to be essential for an effective competitive market. Moreover, we place a high priority on uniform regional requirements.⁶ Such regional approaches reduce the costs of compliance that should translate into lower prices, and encourage entry by competitive providers into Maine's relatively small market. For these reasons, we sought to deviate as little as possible from the model rule in developing our proposed rule.

The proposed rule deviates in substance from the model rule in only three respects.⁷ First, we have limited the application of the rule to service provided to residential and smaller non-residential customers with demands of 100 kW or less. Larger customers tend to be more sophisticated purchasers of energy and should be able to obtain any desired information when choosing a competitive provider. By limiting the requirements to smaller customers, we target the disclosure to those customers who need the information, and reduce the cost to providers of compliance.⁸

⁶In the context of standard billing information, the Legislature directed the Commission to consider standards consistent with other New England states. 35-A M.R.S.A. § 3203(15). Although billing information is a subject of another rulemaking (Docket No. 98-608), our approach in this rulemaking is consistent with the policy embodied in section 3203(15) that regional consistency in the disclosure of customer information be pursued.

⁷We have altered the model rule to be consistent with the form and terminologies of the Commission's rules and Maine's Restructuring Act.

⁸Our understanding is that the model rule was intended to be similarly limited. The RAP report explicitly contemplated that the disclosure requirements would be limited to smaller customers.

The proposed rule does, however, require the provision of a disclosure label upon the request of any customer regardless of size. Second, we have added provisions governing the label requirements for customers in northern Maine. This is necessary because northern Maine is not part of the ISO-NE control area and is instead part of the Maritimes control area. Such a situation was not contemplated in the development of the NECPUC model rule.⁹ As a result, modifications to the model rule are necessary to allow the system to work in northern Maine. Third, we have removed the requirement for competitive providers to annually provide to customers company-wide disclosures that aggregate the resource portfolios of its individual products and those of its affiliate's products. Such a requirement appears unnecessary and may well be confusing to customers.

As mentioned above, commenters generally supported regional efforts to implement a uniform disclosure system. The Grand Council of Crees, however, filed comments expressing serious concerns about the disclosure process as it has developed in New England. The Grand Council argued that because the information on the label is incomplete, it is misleading; as such, it would be better to have no label than the one that has been proposed. As examples, the Grand Council stated that, under the model rule, nuclear power bought from outside New England would be disguised as an "import," and there would be no indication of the impact of large scale hydro development on migratory birds; the label would be misleading for any power source whose major hazard is not air emissions.

Although the Grand Council raises some valid concerns, we disagree that no disclosure rule is better than that contemplated by the NECPUC model rule. The threshold question is whether the provision of information as contemplated by the model rule will help customers make informed choices. We believe that it will. Although customers might be interested in a wide range of additional information, the disclosure label cannot conceivably contain all such information. We also emphasize that the label is not intended to inform customers about whether sources of power are in some sense "good" or "bad." Rather, the label is intended to inform customers of the resources used to generate the electricity they are purchasing. Customers must decide for themselves, for example, whether a hydro resource is actually environmentally benign. It is expected that generation providers and other entities, in making marketing claims or refuting such claims, will seek to inform customers of the actual environmental qualities of specific resources. Finally, we note that the

⁹For example, the model requires the use of ISO-NE settlement data to determine the provider's resource portfolio. Such data from the ISO-NE will not exist for northern Maine's loads.

NECPUC model rule and, consequently, our proposed disclosure rule, is intended to be a first step in an evolution of regional disclosure requirements.¹⁰ We anticipate that in time the disclosure rule will become more sophisticated, perhaps allowing for more accurate and detailed information.¹¹ To conclude, on balance, our view is that taking this first step towards uniform information disclosure is superior to taking no step at all.

VI. DISCUSSION OF INDIVIDUAL SECTIONS

A. Section 1: Definitions

Section 1 contains definitions of terms used throughout the proposed rule. The definitions contained in this section are self-explanatory. Many of these definitions are in the Act and are included in the proposed rule for the convenience of the reader. We have modified the statutory definition of "aggregator" to make it clear that an entity which engages in the direct sale of electricity is not exempted as an aggregator from certain of the rule's provisions.

B. Section 2: Uniform Information Disclosure Requirement

This section of the proposed rule contains the provisions that govern the disclosure of information to customers. As explained above, this section generally incorporates the provisions of the NECPUC model rule.

1. Section 2(A): Purpose and Scope

Section 2(A) describes the purpose and scope of the disclosure requirements as ensuring that all customers are presented with consistent, accurate, and meaningful information to evaluate competitive electricity services. Consistent with our discussion above, we have added a paragraph that specifies that the section's requirements apply only to service to customers with a demand of 100 kW or less. We have also included a paragraph that exempts aggregators and brokers from the

¹⁰The model rules, for example, explicitly states that use of "imports" on the label will be required only until adjacent regions implement compatible disclosure systems.

¹¹For example, there is an ongoing effort known as the "New England Tracking System Project," sponsored by the New England Governor's Conference, that is intended to develop a more sophisticated tracking mechanism to allow for implementation of various state policies. This effort is exploring ways to accurately track sources from outside the region so they can be explicitly included on the label.

section's requirements because, by definition, such entities neither take title to electricity nor sell electricity directly to consumers.

2. Section 2(B): Information Disclosure Label

Section 2(B) contains the substantive requirements specifying the content of the disclosure label that must be provided to customers.

a. Section 2(B)(1): General

This section contains the general requirement that competitive providers prepare and distribute a label pursuant to the provisions of the rule.

b. Section 2(B)(2): Price to be Charged and Price Variability

This section of the proposed rule requires the disclosure label to contain information on prices for generation services so that customers can easily compare price offerings among competitive providers. This is accomplished by requiring that the generation service price be stated as an average unit price, regardless of price structure; the average unit prices must be shown for four specified usage levels.¹² The proposed rule further specifies that average prices for time-of-use and seasonal prices be based on a single generic New England load profile for each customer class as approved by the Commission. We will work with the other New England Commissions to develop and publish these load profiles. This section also contains provisions governing average price disclosure for variable prices, generation service prices that are bundled with other products, and cash or non-cash inducements for the sale of electricity.

Finally, the price information section requires the label, to the extent applicable, contain a section disclosing that prices vary according to time of use or amount of usage.

¹²The proposed rule specifies the four usage levels for residential customers to be 250, 500, 1,000, 2,000 kilowatt-hours per month and for commercial customers to be 1,000, 10,000, 20,000, 40,000 kilowatt-hours per month.

c. Section 2(B)(3): Customer Service Information

This section requires the label to contain a toll-free number for customer service.

d. Section 2(B)(4): Fuel and Emissions Characteristics

This section contains the requirements for determining the fuel mix and emissions characteristic information that must be included on the disclosure label.

Resource Portfolio

Paragraph 4(a) specifies how each provider's resource portfolio must be determined for purposes of fuel and emissions disclosure. The rule uses the ISO-NE market settlement data as the means of determining and verifying each providers' resource portfolio. The information is to be updated quarterly.

As mentioned above, areas of northern Maine are not within the ISO-NE control area, but are in the Maritimes control area. For this reason, the ISO-NE settlement process cannot be used to determine and verify a resource portfolio for providers serving northern Maine. We have, thus, added a resource portfolio provision for service in northern Maine that mirrors that applicable to the rest of the State, except that the portfolio is determined using the Maritimes control area's rules for matching loads and resources. By including this provision, we are essentially establishing service to northern Maine as a separate product with an associated label that will be different than service in other areas of New England. We ask for comments as to whether this approach to determining resource portfolios in northern Maine will be workable. If not, we ask for suggestions on alternative approaches.

The proposed rule specifies that the reporting period for determining the resource portfolio is the prior 12 months; exceptions are included for providers operating for less than a year.

For purposes of determining the resource portfolio, the proposed rule characterizes resources as either: "known resources," "system power," or "imports." Known resources are those in which the provider has a unit entitlement or a contract that otherwise specifies the generation unit; kilowatt-hours from known resources are ascribed characteristics of the associated generating units. All kilowatt-hours that are not associated with known resources are considered to be from system power. The fuel mix and emissions characteristics from

system power are ascribed characteristics of the residual system mix which is the mix from resources within the ISO-NE control area¹³ net of known resources. We have added an analogous provision for service to customers in northern Maine that defines residual mix as that within the Maritimes control area. We again ask for comments as to whether the approach in the proposed rule will work in northern Maine and, if not, encourage suggestions for alternatives.

The proposed rule specifies that, until adjacent regions develop compatible disclosure policies, a provider's total imports to the ISO-NE control area¹⁴ will be listed as a separate fuel source (as "imports" in the label's fuel mix). For purposes of determining emission characteristics, imports shall be ascribed the characteristics of the exporting systems mix. The model rule adopted the approach of listing "imports" rather than fuel sources out of a concern that, without compatible disclosure policies and an adequate tracking system, it would be difficult to verify that generation units from outside the region actually served load in New England and has not been double counted.¹⁵ We ask for comments, however, as to whether it would be preferable for the fuel mix portion of the label to use the exporting system's mix, rather than listing "imports" on the label, and, if so, how the exporting system's mix should be determined. As with other provisions described above, we have added an imports provision for service to northern Maine customers that mirrors that for the NEPOOL area. For purposes of emissions characteristics, the proposed rule specifies that imports to the Maritimes area from the ISO-NE area will be ascribed that area's "residual" system mix (which is net of known resources) as more accurate than simply specifying the "system's mix."

Finally, this section of the proposed rule allows providers to disaggregate their resource portfolios and provide differentiated labels to particular customer groups. This provision allows providers to offer different "products" based on the attributes of generating units. The burden,

¹³The NECPUC model rule refers to "New England;" we have changed it to the ISO-NE control area for clarity since northern Maine is not in the ISO-NE control area.

¹⁴See previous note.

¹⁵For example, if an adjacent region does not have any disclosure requirements, there may be an incentive for a New England provider to "trade" what might be considered a less desirable resource to a provider outside the region for a more desirable resource.

however, is placed on the provider to demonstrate that the disaggregation is based on data that can be verified. Such data might include ISO-NE settlement data or similar information and an audited accounting of the kilowatt-hours sold as differentiated products.

Fuel Source and Emissions

Paragraph 4(b) specifies the fuel sources that must be separately identified on a label. These are: biomass; coal; hydro; municipal solid waste; natural gas; nuclear; oil; solar; wind; other renewable resources (which include fuel cells that use renewable fuel, landfill gas and ocean thermal). We ask for comment on whether any additional fuel source should be added to this list.

Paragraph 4(c) governs the reporting of emissions characteristic on the label. The proposed rule requires the disclosure of the following pollutants: carbon dioxide (CO₂); nitrogen oxide (NO_x); sulfur dioxide (SO₂). The provision specifies that for each of the three emission categories, the emission rate of the resource portfolio will be compared to a reference emission rate that will be the New England regional average emission. The proposed rule also contains provisions for calculating the annual emission rates for generating facilities that will be used by competitive providers in determining the emission rates associated with their resource portfolio. We will work with the New England commissions and environmental agencies to determine and refine emission rates as contemplated in the model rule.

Commenter Proposals

During the Inquiry, commenters suggested a wide variety of additional items be added to the label. These include: a description of Maine's 30% portfolio requirement and the percentage of resources that qualify under Maine's statute; disclosure of the percentage of energy generated in Maine; separate categories for large and small hydro; resource portfolio based on capacity; emission of methane; and environmental externalities associated with generation such as filling wetlands, intrusion on sensitive wildlife habitats, and obstruction of fish passages.

We decline to deviate from the label information contained in the model rule. As explained above, we place a high premium on regional consistency. Additionally, customers may well be interested in a host of information. However, we cannot endeavor to identify and include all information that may be of interest to customers. This would

result in a label so cluttered with information as to be essentially useless.

Finally, several commenters inquired as to whether the CO₂ emissions for biomass plants are intended to be net of offsets that might occur through efforts such as tree planting. Our proposed rule, section 2(B)(4)(c)(iv)(cc), as well as the model rule, contains a provision that allows for such offsets. We do, however, seek comment on mechanisms by which such offsets can be included in the disclosure system and verified.

e. Section 2(B)(5): Format of Information Disclosure Label

Section 2(B)(5) specifies that the disclosure label must be in a format substantially similar to the sample label attached to the rule.¹⁶ For this purpose, we have attached to the rule the sample label that accompanied the model rule with minor changes.¹⁷ The most significant change is a modification of the language at the bottom of the label that explains that electricity comes from a power grid. We have replaced the language contained in the model rule label with language from the "back of label" requirements in the Massachusetts rule, because it appears to be a clearer description of the nature of the electricity grid. We ask for comments, however, as to whether deviating from regional consistency in this regard would be problematic from a competitive provider perspective. In addition, we ask for comment on whether competitive providers should be allowed to deviate from the exact language contained on the sample label.

The model rule does not contain a "back of label" provision, but the Massachusetts rule does contain such a requirement for specific descriptions of the various portions of the label. Our proposed rule does not include a requirement for information on the back of the label, but we seek comment on the desirability of such a requirement. We have attached the Massachusetts "back of label" language to this Notice and ask for comment on its specific language, as well as alternative

¹⁶We have attached two variations of the sample label, one without provider-specific information and the other with examples of provider-specific information.

¹⁷The resource mix portion of the model rule's sample label contains separate categories for large hydro and small hydro. We have modified the sample label to include a single category for hydro to be consistent with the provisions of the proposed rule and model rule. We have also changed "minimum length" to "duration" on the contract portion of the label.

language. We are also interested in whether deviation in this regard from regional consistency presents problems for competitive providers.

3. Section 2(C): Terms of Service Document

This provision requires providers to distribute the terms of service document according to the provisions of the Commission's customer protection rules (Chapter 305). The NECPUC model rule contains the details for this terms of service document. We, however, placed a very similar provision in our consumer protection rule because the substance appears more related to the provisions of that rule. See *Notice of Rulemaking*, Docket No. 98-608 (August 28, 1998).¹⁸

4. Section 2(D): Distribution of Disclosure Label

This section contains the requirements for providing the disclosure label to customers. The provision requires that the disclosure label be provided to customers prior to the initiation of service and each quarter thereafter, at a minimum. The provision also requires the label to be available to any person upon request. As specified above, we intend this provision to include all customers regardless of their size.

5. Section 2(E): Information Disclosure in Advertising

This provision requires each provider to prominently state the availability of the disclosure label in all written marketing materials that describe the available generation service. For direct mailed materials, the provision requires the label to be provided with such materials. For non-print media, the marketing materials must indicate that the customer may obtain the disclosure label upon request.

¹⁸In the Docket No. 98-608 rulemaking, MainePower stated its view that the requirement for the contents of the terms of service documents are governed by 35-A M.R.S.A. § 3203(3) and, therefore, must be part of a major substantive rulemaking. We have attached the terms of service contents provision from the Docket No. 98-608 rulemaking to this Notice and ask for comment on whether the provision should be included in this rulemaking. We also ask for comment on the substance of the provision; persons may reference their previous comments in the Docket No. 98-608 rulemaking.

6. Section 2(F): Enforcement

This provision specifies that failure of a provider to disseminate accurate information or otherwise comply with this rule may result in suspension or revocation of a provider's license or other sanctions that may be imposed in accordance with the Commission's licensing rule.

7. Section 2(G): Annual Reporting

The model rule does not include an annual reporting requirement, but does allow for the state commission to obtain supporting information upon request. We have included an annual reporting provision in the proposed rule to help ensure compliance with the disclosure requirement and verify the accuracy of the resource mix and emission information. The required information should be readily available and is similar to the annual reporting requirement in the Massachusetts rule. We seek comment on whether the rule should require or allow an independent auditor to verify compliance and the accuracy of disclosed information. If so, what criteria should be included in the rule to ensure that auditors are qualified and the audits are accurate? To the extent an independent audit is allowed, is it necessary for the rule contain the annual reporting requirement?

C. Section 3: Informational Filings

This section of the proposed rule contains provisions to implement the informational filing provisions of the Act. 35-A M.R.S.A. § 3203(3). Section 3(A) requires all providers to file with the Commission their rates, terms and conditions that are generally available to the public or any segment of the public; the requirement does not apply to standard offer providers. Providers must file any modifications to such terms and conditions before their effective date. Finally, the rule specifies that the terms and conditions do not require Commission review or approval.

Section 3(B) specifies that providers are not required to file individual service contracts, but that the Commission may obtain such contracts subject to the appropriate protective orders.

Section 3(C) states that the Commission may request other information that is necessary or useful in carrying out its duties and obligations.

D. Section 4: Waiver or Exemption

This provision contains the Commission's standard language allowing for a waiver or exemption of the provisions of the Chapter for good cause when such waiver or exemption is consistent with the purposes of this Chapter.

VII. STATUTORILY REQUIRED CONSIDERATIONS

As mentioned above, section 4 of the Act directs the Commission to consider adoption of requirements for the filing by competitive providers of the following information:

1. A statement of average prices at representative levels of kilowatt-hour usage in the most recent 6-month period;
2. A description of the average duration of supply arrangements with retail customers in the most recent 6-month period;
3. An explanation addressing whether pricing arrangements are fixed or will vary over a specified time period;
4. A statement indicating percentages of electricity supply over the recent 6-month period under categories of generation, including, but not limited to, oil-fired, nuclear, hydroelectric, coal, biomass or other renewable resources and regional spot market purchases; and
5. A listing of expected air emissions and a comparison of those emissions to a regional average, as determined by the Commission, for nitrous oxide, sulfur dioxide, mercury, fine particulates, radionuclides and carbon dioxide, calculated for a competitive electricity provider's supply sources in the aggregate over the most recent 6-month period.

The proposed rule requires the disclosure label to contain most of the types of information specified in section 4 of the Act, and, thus, complies with the legislative purpose of making useful information available to consumers. The only type of information that is not included is comparative information on emissions of mercury, fine particulates, and radionuclides. Our current view is that the disclosure of such information should not be required at this time. It will be a difficult task to establish mechanisms for tracking and verifying CO₂, SO₂, and NO_x emissions as contemplated in the proposed rule. At this point,

it would be impractical and may discourage entry into the Maine market to add other emissions, especially if other states in the region do not have similar requirements.¹⁹ We do, however, seek comment on the disclosure of information listed in section 4 of the Act.

VIII. RULEMAKING PROCEDURES

This rulemaking will be conducted according to the procedures set forth in 5 M.R.S.A. §§ 8051-8058. A public hearing on this matter will be held on October 27, 1998, in the Public Utilities Commission hearing room. Written comments on the proposed rule may be filed until November 10, 1998. However, the Commission requests that comments be filed by October 21, 1998 to allow for follow-up inquiries during the hearing; supplemental comments may be filed after the hearing. Written comments should refer to the docket number of this proceeding, Docket No. 98-708, and sent to the Administrative Director, Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018.

Please notify the Commission if you need special accommodations to make the hearing accessible to you by calling 1-287-1396 or TTY 1-800-437-1220. Requests for reasonable accommodations must be received 48 hours before the scheduled event.

In accordance with 5 M.R.S.A. § 8057-A(1), the fiscal impact of the proposed rule is expected to be minimal. The Commission invites all interested persons to comment on the fiscal impact and all other implications of the proposed rule.

The Administrative Director shall send copies of this order and proposed rule to:

1. All electric utilities in the State;
2. All persons who have filed with the Commission within the past year a written request for Notice of Rulemaking;
3. All persons on the Commission's list of persons who wish to receive notice of all electric restructuring proceedings;
4. All persons on the service list or who filed comments in the Inquiry, Public Utilities Commission, Inquiry into

¹⁹We note that the proposed rule, section 2(B)(4)(c)(ii) allows the Commission, in consultation with the Department of Environmental Protection, to add other pollutants to the disclosure requirements.

Regional Uniform Customer Information Disclosure for Retail Electricity Sales, Docket No. 98-234;

5. The Secretary of State for publication in accordance with 5 M.R.S.A. § 8053(5); and

6. The Executive director of the Legislative Council, State House Station 115, Augusta, Maine 04333 (20 copies).

Accordingly, we

O R D E R

1. That the Administrative director send copies of this Notice and attached proposed rule to all persons listed above and compile a service list of all such persons and any persons submitting written comments on the proposed rule.

2. That the Administrative Director send a copy of this Notice of Rulemaking to the Secretary of State for publication in accordance with 5 M.R.S.A. § 8053.

Dated at Augusta, Maine this 29th day of September, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent